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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,913	07/11/2003	Forest A. Hatcher	4239-00009	4221

26753 7590 06/13/2007

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EXAMINER	
RICCI, JOHN A	

ART UNIT	PAPER NUMBER
3711	

MAIL DATE	DELIVERY MODE
06/13/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/617,913	HATCHER, FOREST A.	
	Examiner	Art Unit	
	John Ricci	3711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 March 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *31-36* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *31-36* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the collet having a tapered inner surface with internal threads (claim 31) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

* * * * * *

Claims 34 & 35 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 3 & 4 of copending Application No. 11/181015 in view of Moody 661,352.

This is a provisional obviousness-type double patenting rejection.

Application 11/181015 claims a connector for connecting a paintball gun having a feed tube, to a paintball hopper having a feed neck, the connector having an internal elastic member. However, it is not clear if the claimed connector is a threaded collet. Moody shows that a tube A (comparable to a feed neck), may be received in a tube B (comparable to a feed tube) having external threads B1, and

held by a threaded collet C having an O-ring D, which is compressed against tube A. One would recognize that this connection would be desirable in the gun of Application 11/181015 to more securely connect the gun and hopper. It would have been obvious to one of ordinary skill in the art to provide the gun of Application 11/181015 with the connector shown by Moody.

Claim 36 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 3 & 4 of copending Application No. 11/181015 in view of Moody 661,352 as applied to claim 34, above, and further in view of Magnani 2,829,909.

Moody shows the collet with only one O-ring. One would recognize that additional O-rings may better secure the tubes. For example, Magnani shows that a collet for securing tubes may include multiple O-rings. It would have been obvious to include additional O-rings in the connection shown by Application 11/181015 and Moody, as suggested by Magnani.

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

* * * * * *

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 34 & 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bell et al 5,282,454 in view of Moody 661,352.

Bell shows a paintball gun having a feed tube 26, which receives a feed neck 32 of a paintball hopper 28. It appears that the feed neck is held in the feed tube only by friction; these may become separated during rough use. One would recognize that it would be desirable to provide a stronger connection between the gun and hopper. For example, Moody shows that a tube A (comparable to a feed neck), may be received in a tube B (comparable to a feed tube) having external threads B1, and held by a threaded collet C having an O-ring D, which is compressed against tube A. One would recognize that this connection would be desirable in the gun of Bell to more securely connect the gun and hopper. It would have been obvious to one of

ordinary skill in the art to provide the gun of Bell with the connector shown by Moody.

It would be possible to loosen and tighten the collet of Moody by hand; the claim of a "releasably attachable, hand tightenable collet" does not define structure beyond that shown by Moody.

Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bell in view of Moody as applied to claim 34 above, and further in view of Magnani 2,829,909.

Moody shows the collet with only one O-ring. One would recognize that additional O-rings may better secure the tubes. For example, Magnani shows that a collet for securing tubes may include multiple O-rings. It would have been obvious to include additional O-rings in the connection shown by Bell and Moody, as suggested by Magnani.

* * * * * *

Applicant's arguments filed 3/21/07 have been fully considered but they are not persuasive.

When considering Double Patenting, the filing dates of the applications are not given significance; Application 11/181015 may form the basis of a Double Patenting rejection even though it was filed later than this application; see MPEP 804.

* * * * * *

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the

statutory period for reply expire later than SIX MONTHS

from the mailing date of this final action.

* * * * * *

This letter was prepared by Examiner John Ricci, who can be reached at:

Voice: 571-272-4429

Fax: Use 571-273-8300 for papers to be delivered directly to the mail room, like formal amendments and responses, change of address, power of attorney, petitions.

Use 703-783-0439 for papers to be delivered directly to the Examiner, like informal or proposed responses for discussion, or notes in preparation for an interview.

Response by Fax is encouraged to reduce mail processing time. Please don't send duplicate papers by mail and *Fax.*

PTO main switchboard: 800-786-9199.

Visit our Web site at www.uspto.gov.

JOHN RICCI
PRIMARY EXAMINER
ART UNIT 3711